

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

2005 SEP 29 PM 2:58

AUGUSTA DIVISION

CLERK *B. Malhotra*
SO. DIST. OF GA.

TERRANCE LYNN WILCHER,

Petitioner,

v.

ROSE WILLIAMS, Warden,

Respondent.

CV 104-169

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, the petition is **DENIED**, Petitioner's motion for an evidentiary hearing (doc. no. 13) is **DENIED** as **MOOT**, this civil action is **CLOSED**, and the Clerk is **DIRECTED** to **ENTER** a final judgment in favor of Respondent.

SO ORDERED this 29th day of September, 2005, at Augusta, Georgia.

[Signature]
UNITED STATES DISTRICT JUDGE

United States District Court
Southern District of Georgia

WILCHER
_____)

vs)

WILLIAMS
_____)

CASE NUMBER CV 104-169

DIVISION AUGUSTA

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated 09/29/05, which is part of the official record of this case.

Date of Mailing: 09/29/05

Date of Certificate



same date,

or

Scott L. Poff, Clerk

By:


Joe Howell, Deputy Clerk

Name and Address

TERRANCE LYNN WILCHER SERVED @ PRISON ADDRESS.
CHAD ERIC JACOBS, ESQ.
PAULA K. SMITH, ESQ.



Copy placed in Minutes



Copy given to Judge



Copy given to Magistrate